

Labeling and Marketing Information

The Organic Foods Production Act and the National Organic Program (NOP) are intended to assure consumers that the organic foods they purchase are produced, processed, and certified to consistent national organic standards. The labeling requirements of the new program apply to raw, fresh products and processed foods that contain organic ingredients. Foods that are sold, labeled, or represented as organic will have to be produced and processed in accordance with the NOP standards.

Except for operations whose gross agricultural income from organic sales totals \$5,000 or less, farm and processing operations that grow and process organic foods must be certified by USDA-accredited certifying agents. A certified operation may label its products or ingredients as organic and may use the "USDA Organic" seal.

Labeling requirements are based on the percentage of organic ingredients in a product.

Foods labeled "100 percent organic" and "organic"

Products labeled as "100 percent organic" must contain (excluding water and salt) only organically produced ingredients.

Products labeled "organic" must consist of at least 95 percent organically produced ingredients (excluding water and salt). Any remaining product ingredients must consist of nonagricultural substances approved on the National List or non-organically produced agricultural products that are not commercially available in organic form.

Products meeting the requirements for "100 percent organic" and "organic" may display these terms and the percentage of organic content on their principal display panel.

The USDA seal and the seal or mark of involved certifying agents may appear on product packages and in advertisements.

Foods labeled "100 percent organic" and "organic" cannot be produced using excluded methods, sewage sludge, or ionizing radiation.

Processed products labeled "made with organic ingredients"

Processed products that contain at least 70 percent organic ingredients can use the phrase "made with organic ingredients" and list up to three of the organic ingredients or food groups on the principal display panel. For example, soup made with at least 70 percent organic ingredients and only organic vegetables may be labeled either "soup made with organic peas, potatoes, and carrots," or "soup made with organic vegetables."

Processed products labeled "made with organic ingredients" cannot be produced using excluded methods, sewage sludge, or ionizing radiation.

The percentage of organic content and the certifying agent seal or mark may be used on the principal display panel. However, the USDA seal cannot be used anywhere on the package.

Processed products that contain less than 70 percent organic ingredients

These products cannot use the term organic anywhere on the principal display panel. However, they may identify the specific ingredients that are organically produced on the ingredients statement on the information panel.

Other labeling provisions

Any product labeled as organic must identify each organically produced ingredient in the ingredient statement on the information panel.

The name and address of the certifying agent of the final product must be displayed on the information panel.

There are no restrictions in this final rule on use of other truthful labeling claims such as "no drugs or growth hormones used," "free range," or "sustainably harvested."

Penalties for misuse of labels

A civil penalty of up to \$10,000 can be levied on any person who knowingly sells or labels as organic a product that is not produced and handled in accordance with the National Organic Program's regulations.

When the new regulations become effective, organic farmers and handlers will have 18 months to adjust their growing and processing operations and revise their product labels to conform to the new standards.

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